

No. 28-GA-87-D/1422.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by Government, at public expenses, for a public purpose, namely, Constructing an approach road D. A. Road to village Fazilpur Jharsa in Gurgaon District, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provision of Section 7 of the said Act, the Land Acquisition Collector, Haryana, P. W. D., B & R Branch Ambala Cantt. is hereby directed to take orders of the acquisition of said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana P.W.D., B & R. Branch Ambala Cantt. Executive Engineer, Provincial Division, P.W.D., B & R. Branch Gurgaon.

#### SPECIFICATIONS

District	Tehsil	Locality/ Village	Hadbast No.	Area in acres	Khasra No.
Gurgaon	Gurgaon	Fazilpur Jharsa	1175×12.19 4046.86	3.54	19 3, 4, 5, 6, 7, 8, 9/1, 9/2, 10, 11, 12.
		R.D. in feet 0 to 3855'			20
		R.D. in metre 0 to 1175 M.			6/1, 6/2, 7, 8/1, 11, 12, 13/1, 13/2, 14, 15, 18, 19, 20.
		Total	..	3.54	21 15, 16, 17/1, 17/2, 19, 20, 21/1, 21/2, 22, 23. (73, 74)

(CORRIGENDUM)  
Gurgaon Circle  
The 30th August, 1979.

No. 28 GA-87-B/1423.—In the notification under section 48 of Land Acquisition Act, 1894, issued—vide notification No. 28GA/87-B/1391, dated 31st July, 1979, published in the *Haryana Government Gazette* No. 34, dated 21st August, 1979, at page 1315, the name of road may be read as Palwal Kalwaka road instead of P. S. R. road to Khuntipuri in last line.

R. K. S. MARYA,  
Superintending Engineer,  
Gurgaon Circle, P.W.D., B&R Branch.

#### LABOUR DEPARTMENT

The 4th September, 1979

No. 11(112)-79-3Lab/8546.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. (i) Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Karnal Primary Coop. Land Development Bank, Karnal.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 104 of 1978

between

SHRI JASMER SINGH, WORKMAN AND THE MANAGEMENT OF M/S. (I) MANAGING DIRECTOR, HARYANA STATE CO-OP. LAND DEVELOPMENT BANK LTD., CHANDIGARH (II) THE MANAGER, KARNAL PRIMARY CO-OP. LAND DEVELOPMENT BANK, KARNAL.

Present :

Shri Madhu Sudan, for the workman.

Shri Manphool Singh, for the management.

### AWARD

By order No. ID/KNL/53-77/26097, dated 16th June, 1978 the Governor of Haryana referred the following dispute between the management of M/s. (i) Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Karnal Primary Coop. Land Development Bank, Karnal and its workman Shri Jasmer Singh, to this Court, for adjudication in exercise of the powers conferred by clause (c) of the sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Jasmer Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On 20th December, 1978 the case was consolidated with Reference No. 98 of 1978 and following issue was framed in that case:—

“Whether the workman was not appointed by the competent authority? If so, to what effect?”

And fixed the case for evidence of the management. The management settled the case with the workman and produced his letter dated 20th February, 1979 with drawing the reference as the workman has been reinstated by the management with effect from 19th February, 1979. Shri Madhu Sudan appeared before me on 25th May, 1979 and confirmed the re-instatement of the workman and withdrew the reference. I, therefore, retain this reference without giving my award as the workman has been reinstated by the management and he does not want any further relief.

BABU RAM GOYAL,

The 16th July, 1979.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endorsement No. 1774, dated 30th July, 1979.

Forwarded (four copies), to the Secretary, to Government of Haryana, Labour and Employment Departments, Chandigarh, under section 15 of the Industrial Disputes Act 1947.

BABU RAM GOYAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11(112)79-3Lab/8547.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Managing Director, Haryana State Co-operative Land Development Bank Limited, Chandigarh. (ii) The Manager, Karnal Primary Co-operative Land Development Bank Limited, Karnal.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 104 of 1978

*between*

SHRIJALJEET SINGH, WORKMAN AND THE MANAGEMENT OF M/S. (I) MANAGING DIRECTOR  
HARYANA STATE COOP. LAND DEVELOPMENT BANK LTD., CHANDIGARH (II) THE  
MANAGER, KARNAL PRIMARY COOP. DEVELOPMENT BANK LTD., KARNAL

*Present :*

Shri Madu Sudan, for the workman.

Shri Manphool Singh, for the management.

### AWARD

By order No. ID/KNL/53-77/26075, dated the 16th June, 1978 the Governor of Haryana referred the following dispute between the management of M/s. (i) Managing Director, Haryana State Co-operative,

Land Development Bank Limited, Chandigarh (ii) The Manager, Karnal Primary Co-operative Land Development Bank, Karnal and its workman Shri Jaljeet Singh to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Jaljeet Singh was justified and in order ? If not, to what relief is he entitled ?”

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On 20th December, 1978 the case was consolidated with Reference No. 98 of 1978 and following issue was framed in that case.—

“1. Whether the workman was not appointed by the competent authority? If so, to what effect?”

And fixed the case for evidence of the management. The management settled the case with the workman and produced his letter dated 11/2/79 withdrawing the reference as the workman has been reinstated by the management with effect from 19th February, 1979. Shri Madhu Sudan appeared before me on 25th May, 1979, and confirmed the re-instatement of the workman and withdrew the reference. I, therefore, return this reference without giving my award as the workman has been reinstated by the management and he does not want any further relief.

BABU RAM GOYAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 16th July, 1979.

Endst. No. 1773, dated 30th July, 1979.

Forwarded (four copies), to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of I. D. Act, 1947.

BABU RAM GOYAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11(112)79-3Lab/8548.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s (i) Managing Director Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager Primary, Coop. Land Development Bank Ltd., Panipat.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 106 of 1978

*between*

SHRI DHARAMBIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S (I)  
MANAGING DIRECTOR, HARYANA STATE COOP. LAND DEVELOPMENT BANK  
LTD., CHANDIGARH, (II) THE MANAGER, PRIMARY, COOP. LAND DEVELOPMENT  
BANK LTD., PANIPAT

*Present :*

Shri Madhu Sudan, for the workman.

Shri Manphool Singh, for the management.

#### AWARD

By order No. ID/KNL/533-77/26000, dated 16th June, 1978 the Governor of Haryana referred the following dispute between the management of M/s (i) Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Primary, Coop. Land Development Bank, Panipat and its workman Shri Dharambir Singh, to this Court, for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Dharambir Singh was justified and in Order ? If not, to what relief is he entitled ?”

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On 20th December, 1978 the case was consolidated with Reference No. 198 of 1978 and following issue was framed in that case:-

"Whether the workman was not appointed by the competent authority? If so to what effect?"

And fixed the case for evidence of the management. The management settled the case with the workman and produced letter dated 19th February, 1979 withdrawing the reference as the workman has been reinstated by the management w.e.f. 19th February, 1979. Shri Madhu Sudan appeared before me on 25th May, 1979 and confirmed the reinstatement of the workman and withdrew the reference. I, therefore, return this reference without giving my award as the workman has been reinstated by the management and he does not want any further relief.

BABU RAM GOYAL,

The 16th July, 1979.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endorsement No. 1772, dated the 30th July, 1979.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11 (112)-79-3Lab/8549.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s (i) Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager Karnal Primary Coop. Land Development Bank, Karnal.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK;

Reference No. 100 of 1978

*between*

SHRI HALWANT SINGH, WORKMAN AND THE MANAGEMENT OF M/S. (I) MANAGING DIRECTOR, HARYANA STATE COOP. LAND DEVELOPMENT BANK LTD., CHANDIGARH  
(II) THE MANAGER KARNAL PRIMARY COOP. LAND DEVELOPMENT BANK, KARNAL

Present:

Shri Madhu Sudan, for the workman alongwith the workman.

Shri Manphool Singh, for the management.

#### AWARD

The order No. KNL/53-77/26124, dated 16th June, 1978 the Governor of Haryana referred the following dispute between the management of M/s. (i) Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Karnal Primary Coop. Land Development Bank, Karnal and its workman Shri Halwant Singh to this Court, for adjudication in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947:—

"Whether the termination of service of Shri Halwant Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. The case was fixed for filing of rejoinder on 23rd January, 1979, when the parties appeared and obtained date for settlement. On 20th March, 1979 the management stated that a settlement has taken place and workman has been re-instated and filed a letter dated 19th February, 1979 from the workman wherein he stated that the workman has been taken in service and the workman did

not want to pursue the case. The case was adjourned for confirmation and clarification of the letter, on 25th, May, 1979 when Shri Madhu Sudan along with the management appeared and admitted the letter dated 19th February, 1979 and prayed for filing the reference. I therefore return this reference without giving any award as the workman has been re-instated by the management and he does not want any further relief.

BABU RAM GOYAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endst. No. 1771, dated 30th July, 1979

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Deptt., Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,  
H. Presiding Officer,  
Labour Court, Haryana,  
— Rohtak.

No. 11(112)-3Lab-79/8595.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Karnal Primary Co-op. Land Development Bank Ltd., Karnal.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 103 of 1978

*between*

SHRI DHARMVIR, WORKMAN AND THE MANAGEMENT OF (I) MANAGING DIRECTOR, HARYANA STATE COOP. LAND DEVELOPMENT BANK LTD., CHANDIGARH  
(II) THE MANAGER, KARNAL PRIMARY COOP. LAND DEVELOPMENT BANK LTD.,  
KARNAL

*Present.—*

Shri Madhu Sudan, for the workman.

Shri Manphool Singh, for the management.

#### AWARD

By order No. KNL/53-77/26082, dated 16th June, 1978, the Governor of Haryana referred the following dispute between the Management of Managing Director, Haryana State Coop. Land Development Bank Ltd., Chandigarh (ii) The Manager, Karnal Primary Coop. Land Development Bank Ltd., Karnal and its workman Shri Dharamvir to this Court, for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Dharamvir was justified and in order?  
If not, to what relief is he entitled?

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On 20th December, 1978 the case was consolidated with reference No. 98 of 1978 and following issue was framed in that case :—

"whether the workman was not appointed by the competent authority? If so, to what effect?"

And fixed the case for evidence of the management. The Management settled the case with the workman produced letter 19th February, 1979 withdrawing the reference as the workman has been re-instated by the management with effect from 19th February, 1979. Shri Madhu Sudan appeared before me on 25th May, 1979 and confirmed the re-instatement of the workman and withdrew the reference. I, therefore, return this reference without giving my award as the workman has been reinstated by the management and he does not want any further relief.

Dated 16th July, 1979.

BABU RAM GOYAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endst. No. 1775, dated 30th July, 1979

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11(112)-79-3Lab/8773.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Wadhawan Rolling Mills Jagadhri.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 95 of 1977

*between*

SHRI RAM CHAND WORKMAN AND THE MANAGEMENT OF M/S WADHAWAN ROLLING MILLS, JAGADHRI.

Present.—

Shri Surinder Kumar, for the workman.

Shri Subash Chander, for the management.

#### AWARD

By order No. ID/Amb./299-77/28845, dated 4th August, 1977 the Governor of Haryana referred the following dispute between the management of M/s Wadhawan Rolling Mills, Jagadhri and its workman Shri Ram Chand to this Court, for adjudication in exercise of the powers conferred by clause (c) of the sub-section (1) of the section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of the services of Shri Ram Chand was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference, notices were issued to the parties who filed their pleadings and on the pleadings of the parties the following issues were framed by my learned predecessor on 16th February, 1978.

1. Whether the workman concerned resigned his job on 31st March, 1977 and the resignation was duly accepted by the management concerned with payment to him of his dues in full and final satisfaction of his claim ?
2. If not, as per reference.

And the case was fixed for evidence of the management. The parties instead of producing evidence obtained adjournment for settlement and ultimately on 28th June, 1979 Shri Surinder Kumar, representative of the workman made the following statement:—

Statement of Shri Surinder Kumar, representative of the workman.

The workman has settled his claim with the management directly and he has intimated me that he had received his dues in full and final settlement of his claim. He does not want to pursue his reference. It is therefore prayed that this reference may be disposed off as having been satisfied.

In view of the statement of the representative of the workman I answer this reference and hold that the workman has resigned his job and received all his dues and he is not entitled to any further relief.

Dated 21st July, 1979.

BABU RAM GOYAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endorsement No. 1879 dated 7th August, 1979

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Dispute Act, 1947.

BABU RAM GOYAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak

No. 11(112)79-3Lab/10005.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. R. S. Hard Metal (P) Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 254 of 1978

*between*

SHRI DUD NATH WORKMAN AND THE MANAGEMENT OF M/S. R. S. HARD MATAL  
COMPANY (P) LTD., MATHURA ROAD, FARIDABAD

Present.—Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/79-78/33746, dated 19th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s. R. S. Hard Metal Company (P) Ltd., Mathura Road, Faridabad and its workman Shri Dud Nath, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether, the termination of services of Shri Dud Nath was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management stated that the reference order contained wrong name of the management, the representative for the workman stated that he will apply for amendment of the reference. On the last date of hearing the representative for the workman stated that he shall raise a fresh dispute while giving a fresh demand notice and that this reference may be awarded. In view of the statement of the representative for the workman, I give my award that there is no dispute between the parties, at present, as described in the order of reference. Further the workman shall be entitled to give fresh demand notice to raise a fresh dispute and this award shall not bar the fresh reference.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endorsement No. 776, dated 16th August, 1979

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 11(112)-79-3Lab/10006.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Sentinel Security Service, Sector 7C, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 156 and 176 of 1979

*between*

SHRI HARIDWAR RAI AND SARTAJVIR SINGH WORKMEN AND THE MANAGEMENT OF M/S SENTINAL SECURITY SERVICE, SECTOR 7C, FARIDABAD

*Present.—*

None, for the workmen.

None, for the management.

AWARD

By order No. ID/24-79/21996, dated 19th May, 1979, and ID/FD/22/79/22339, dated 23rd May, 1979 the Governor of Haryana referred the following disputes between the management of M/s. Sentinel Security Services Sector-7C, Faridabad and its workmen Shri Haridwar Rai and Sartajvir Singh to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Haridwar Rai and Sartajvir Singh was justified and in order? If not to what relief are they entitled?

On receipt of the order of reference, notices were issued to the parties, Notices were served on both the parties but neither parties appeared. The case was dismissed in default. I, therefore, give my award that no dispute exist present between the parties.

The 8th August, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 775, dated the 16th August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)79-3-Lab/10009.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad/in respect of the dispute between the workman and the Management of M/s Pharos and Co. (P) Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER INDUSTRIAL TRIBUNAL  
HARYANA FARIDABAD

Reference No. 184 of 1978

*between*

Shri Mukh Ram workman and the management of M/s Pharos and Co. (P) Ltd. Mathura Road Faridabad.

*Present.—*

Shri R.N. Roy, for the workman.

Shri R.C. Sharma, for the management.

AWARD

By order No. FD/888-A-75/30818, dated 4th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Pharos & Co. (P) Ltd., Mathura Road Faridabad and its workman

Shri Mukh Ram, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947;

Whether the termination of services of Shri Mukh Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 14th February, 1978 :—

1. Whether the dispute required espousal by a substantial number of workmen to constitute Industrial Dispute ?
2. Whether the reference is bad in law on the ground that the Government did not hear the management before making this reference as previously such a reference has been rejected by the Government ?
3. Whether the termination of services of the workman was justified and in order ?
4. Whether the domestic enquiry is fair and proper ?
5. Whether the workman is gainfully employed ? If so, to what effect ?
6. Relief.
7. If issue No. 1 is found in favour of the management, whether the dispute has been espoused by a substantial number of workmen ? If not, to what effect ?

And the case was fixed for the evidence of the management. The management examined Sh. Jagat Arora Advocate as MW-1, Shri Narinder Kumar Jain Time Office Clerk as MW-2 and closed his case. Then the case was fixed for the evidence of the workman. The workman examined himself and after Shri Hoob Lal General Secretary Mercantile Employees Association as WW-1 and WW-2 respectively and closed his case. Then the case was fixed for arguments. Arguments have been heard. Now I give my findings issueswise :—

**Issue No. 1.**—The learned representative for the management argued that the demand has been raised by a union named Mercantile Employees Association and hence the demand requires espousal and without espousal the reference cannot proceed. The demand notice is dated 29th July, 1975. It is from Shri R. N. Roy the President of Mercantile Employees Association, although in the order of reference the date of the demand notice is described as 6th August, 1975, but dated 6th August, 1975 is a letter from the said President to the management together with which the said complaint had been sent with a copy of the demand notice and a brief history of the dispute. Demand has been raised by the President of the Mercantile Employees Association. There is power of Attorney by the workman in favour of the said President Shri R.N. Roy dated 29th July, 1975 by which the workman has authorised the said President to take up his claim and pursue the same and represent him before the employer and other Labour Officers and Labour Court and Tribunal. When the workman authorised the said President to take up his claim, then the demand notice has been sent to the said President of the said Association. Section 2(a) reads that the dispute arising out of termination of services shall be deemed to be an Industrial Dispute, which dispute arises from such termination, notwithstanding no other workman or any union of the workman is a party to the dispute. This section does not lay down that the dispute has been raised by a representative of the workman by virtue of authority given to him by the workman shall cease to be an Industrial Dispute. I, therefore, hold that the dispute does not require espousal, because the President of a union can raise the demand by virtue of an authority granted to him by the workman to take up his claim. I, therefore, decide issue number 1 against the management.

**Issue No. 2.**—On this issue the learned representative for the management placed on the file a copy of judgement of Hon'ble the Madras High Court in Writ petition number 1963 of 1971 between Thuchi Steel Rolling Mills limited and S. Ghansambandan and others, in which the Hon'ble High Court accepted the contention of the petitioner that principles of natural justice require that notice should have been given to the management also in the circumstances when the Government had first declined to refer the dispute. The said representative for the management also placed on this file the Haryana Government Gazette dated July 10, 1979, in which an award of the learned Labour Court has been published. The learned Presiding Officer of the Labour Court Haryana Rohtak has also held that the reference was bad in law for reasons that the earlier dispute raised by the workman was rejected by the Haryana Government and the State Government referred the matter subsequently without new facts and prior notice or opportunity to the opposite party. The learned Presiding Officer held that principles of natural justice were not complied with and he held this point in favour of the management and against the workman and gave his award that the reference was bad in law and was not maintainable. The representative for the workman did not bring to my notice any legal or law against the above said judgement of the Hon'ble the Madras High Court and the award of the learned Labour Court, Haryana, Rohtak. Therefore, I hold likewise as has been held by the Labour Court (Hary.) Rohtak and decide this issue in favour of the management.

thl

*Issue Nos. 3 & 4.*—I would discuss both these issues together. The Enquiry Officer is an Advocate who has no animus against the workman. He was not partial. MW-1 Shri Jagat Arora an Advocate has stated as MW-1 that the workman participated throughout in the enquiry held by him. He proved his enquiry proceedings Exhibit M-3 and his findings Exhibit M-4 and the documents received by him during the enquiry as Exhibits M-5 to M-9. In cross examination he stated that he gave the copies of enquiry proceedings to the workman and the workman had thumb marked the enquiry proceedings. He could not remember the facts occurring at the enquiry proceedings as time had elapsed but he stated that his findings and report shall speak as to the facts that occurred at the enquiry proceedings. He again stated in cross-examination that he recorded whatever the workman stated before him and whatever others stated before him. MW-2 proved dismissal order which was sent to the workman and was not returned to them. WW-1 stated that he had not admitted any mistake during enquiry proceedings and he had got the enquiry proceedings read over to him by one Shri Hoob Lal. He admitted that the thumb marked. He admitted that he had appeared at the enquiry and had thumb marked on the enquiry proceedings. He admitted that he had received the copies of enquiry proceedings. He stated in cross-examination that the enquiry proceedings were not read over to him. He could not tell the contents of Exhibit W-1. He told that he had handed over the copies of enquiry proceedings to Shri Hoob Lal at the gate of the factory and thereafter he left for his village. He admitted the receipt of Exhibit M-12 and M-13. WW-2 was sitting in the court room when WW-1 was examined. This objection was taken by the representative for the management. WW-2 stated that Exhibit W-1 was thumb marked by the workman in his presence in the office. He could not tell as to from where Exhibit W-1 was got registered. Exhibit W-1 is a postcard date 20th July, 1975 in which the workman stated that he had not admitted the charges. The enquiry proceedings are dated 19th July, 1975. All the enquiry proceedings are thumb marked by the workman. At the enquiry proceedings, the management had examined on Shri Agrawal, the representative for the management. The workman was asked to cross-examine this witness but the workman did not like to cross examine him. The workman also did not give any defence and admitted the charges and this statement is also thumb marked by the workman. It does not appeal to me that Shri Jagat Arora an Advocate, the Enquiry Officer in this case recorded what had not been stated before him. He had no animus against the workman nor the workman had alleged so. It seems that the workman admitted the charges before the Enquiry Officer, but later on he changed his stand after consultation with Shri Hoob Lal whom he met at the gates of the factory. Shri Hoob Lal was general Secretary of the union. After the enquiry was over, the workman changed his stand. I, believe MW-1 Shri Jagat Arora an advocate I, hold that the domestic enquiry is fair and proper. The enquiry findings of the Enquiry officer is based on the enquiry proceedings. His enquiry findings is not perverse. The Enquiry officer has held that the charges have been proved against the workman. The charges are that the workman together with other workmen adopted slow down the work, resulting in less production and thereby the management suffered losses. Another charge was that the workman was disobedient to his officers. Details have been given in the charges I have gone through the charges. These charges warrant dismissal of the workman. I, therefore hold issue numbers 3 and in favour of the management.

*Issue No. 5.* There is not an iota of evidence on this issue. I, therefore, decide issue number 5 against the management.

*Issue No. 6.* As regards this issue the workman is not entitled to any relief.

*Issue No. 7.* Issue No. 7, does not require decision, as issue No. 1 has not been proved in favour of the management. I've not held that the dispute requires espousal, and hence the question of espousal by a substantial number workmen does not arise. In view of my findings on the issues, I answer the reference and give my award at the termination of services of the workman was justified and in order. He is not entitled to any relief.

Dated 9th August, 1979

(Sd.)

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana, Faridabad.

No. Dated:

Forwarded (copies) to the Secretary to Government Haryana Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(12)79b/10114.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Sak in respect of the dispute between the workmen and the Management of M/s Hari Narain Metal Industries, Gadhri.

BEFORE SIRI BABU RAM GOYAL PRESIDING OFFICER LABOUR COURT HARYANA  
ROHTAK

Reference No. 129-130/77  
*Between*

Shri Amrit Lal and Shri Raghu Nandan Lal workmen and the management of M/s Hari Narain Metal Industries Jagadhri.

*Present—*

Shri Madhu Sudan for the workmen.

Shri Subhash Chander for the Management.

AWARD

These are two references in respect of termination of service of shri Amrit Lal and Shri Raghu Nandan Lal Reference No. 129 and 130 of 1977 by the management of M/s Hari Narain Metal Industries Jagadhri we referred to the Labour Court vide notification No. ID/Amb/215-B-72/46554 dated 24th October, 1977 in respect of Amrit Lal and No. ID/Amb/215-B-72/46560 dated 24th October, 1977 in respect of Shri Raghu Nandan Lal workman and the management of M/s Hari Narain Metal Industries Jagadhri by the Governor of Haryana to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial disputes Act, 1947

Whether the termination of services of Shri Amrit Lal and Raghu Nandan Lal was justified and in order ? If not to what relief is he entitled ?

On receipt of order of references, notices were issued to the parties. The parties appeared and filed their pleadings and on the pleadings of the parties the following issues were framed by my Learned Predecessor on 26-9-1978 in both the two references as under :—

1. What is the effect of previous rejection of demand notices by the Government?
2. Whether it was necessary for the Government to hear the management prior to making this reference after rejection of previous one?
3. Whether the present reference is time barred?
4. Whether the termination of services of the workmen were justified and in order?
5. If not to what relief is he entitled?

These two cases were consolidated by my order dated 25th May, 1979 and evidence was recorded in Reference No. 129 of 1977. Issues No. 1, 2 and 3 were ordered to be treated as preliminary by my order dated 25-5-1979. The management produced Shri Ram Sarup Assistant of the Office of the Labour Commissioner, Haryana as MW-1 who stated the demand notices of Raghu Nandan Lal and Amrit Lal workmen were rejected by the Government after the same had been seen by the Chief Minister and exhibited the rejection letters Ex. M/1 and Ex. M/2. The workman made many representations dated 18th September, 1972 and 25th August, 1975 which were also rejected on 2nd February, 1976. Further representations received on 1st March, 1976 was rejected on 18th January, 1977. After receipt of representation dated 3rd May, 1975 and a representation received jointly from both the workmen on 22nd September, 1977. References were made on 24th October, 1977. No notice was issued to the management while making the present reference nor the management was heard in the matter. Ground in all these representations were same. In cross examination, he stated that the complaint file did not accompany and endorse alongwith the demand notice except the authority letter of Shri Madhu Sudan. He produced typed copies of all the documents relevant in the case and compared them with the original file and exhibited them as Exhibit W/1 to Exhibit W/10. The management closed their case on the preliminary issues. The workmen also placed two more documents on the file Exhibit W/11 and Exhibit W/12 admitted by the management and closed his case. On the preliminary issues, the parties appeared before me on 25th July, 1979 and argued the case. After discussing the nature of the representations to the Government and Exhibit M/1, Exhibit M/2 and Exhibit W/1 to Exhibit W/12. The parties did not lay much stress on the legal aspect of the preliminary issues. In view of my judgement in References Nos. 132 to 135 of 1977 between Mahi Pal and others versus The Yamuna Nagar Central Coop. Consumers Stores Ltd., Yamuna Nagar decided by me on 13th June, 1979 and published in Haryana Government Gazette of July, 1979 to which the representative of the management referred during the arguments and Shri Madhu Sudan agreed that unless the finding given by the Labour Court in Reference No. 132 to 135 of 1977 was upset or some other ruling on the point in the dispute other than already discussed in Reference No. 132 to 135 of 1977, that view on the present issues stays. The exhibits, M/1 and Exhibit M/2 are from Secretary, Haryana Government Labour Employment Department rejecting the demand notice of Raghu Nandan Lal and Amrit Lal. Exhibit W/1 and W/2 are representation addressed to the Secretary, Labour Department, Haryana Government after rejection of demand notices through Exhibit M/1 and M/2. Exhibit W/3 to W/5 are rejection letters from the Government. Exhibit W/6 and Exhibit W/7 and W/8 are again representation from the workman and Exhibit W/9 is again rejection letter from the Government. Exhibit W/10 is a representation to the Labour Minister dated 22nd September, 1977. In the bases of which the reference was made. Exhibit W/11 and W/12 are termination letters in respect of Raghu Nandan Lal and Amrit Lal. According to my discussion regarding effect of previously rejection of demand notices by the Government and whether it was

essential for the Government to afford an opportunity to the management to be heard before a reference could be made after its previous rejection which are based on the principle of Auditorum Partem and on the basis of civil consequences arising out of the reference against the management. A brief discussion is reproduced below a from Mahi Pal's case judgement in Reference No. 132 of 1977.

"Shri Madhu Sudan on behalf of the workman has argued that the Government is fully with in regits to refer an already rejected matter and there is no illegality in doing so he cited 1974-LIC Page 420 British India Corporation Ltd., New Egerton Woollen Mills, Branch Dhariwal wherein it was observed that the power of the Government is not exhausted once it had refused to refer the matter. The power was in fact exercised for the first time when the reference was made. He cited another recent ruling of the Supreme Court-1979 LIC Page 1, 53-FJR Page 341/Ms Avon Services Production Agencies (P) Ltd., Vs. Industrial Tribunal of Haryana."

The workmen also cited 1970 LIC-1148, 21-FJR Vol. XX 241, 1960-II LLJ 592, 1965 II LLJ-552 and 1964-ILLJ 644 all the above citations are in respect of the power of the appropriate Government to refer a case for adjudication even after refusing to refer at the fist instance. These rulings also make it clear that no fresh evidence for making a reference at a subsequent stage need be there. On the 2nd contention of the management that no notice or opportunity of hearing was given to the management before referring the matter after first hearing refused the workman cited 1971FLR Vol. 36-S.C. Shri Shambu Nath Goel, Vs. Bank of Baroda case and 28FLR-384 Punjab and Haryana High Court and 1975-FLR-Vol. XXX Karnataka High Court, Management of Kirloskar Electric Co. Vs. Workman of Kirloskar Electric Co. and 17FLR-291-Madras High Court workman of Dalmia Cement Bharat Ltd., Vs. State of Madras. The gist of the above rullings is that the order of the Government making reference under section 10(1) is administrative in character and petitioner can not complain that they have not been heard before the Government revised its views and made a reference. It can not be said that the management would suffer any kind of prejudice if the state Government make a reference under section 10(1) without hearing the parties.

The management has challenged the reference on the ground that the decision of the Government to refer the case after refusing at the first instance will have civil consequence against the management and the principle of "Audi-Alterm Partem" should necessarily applied before taking a decision. In their view the instant cases involves Civil Consequences" because if these workmen are ordered to be reinstated with continuity of service and with back wages from the year 1972 to the date of decision such consequences are too obvious. The management relied on FJR-Vol. 53 Part I-17 Karnataka High Court rulling in case Indian Telephone Industry Ltd., Bangalore Vs. State of Karnataka and others which *inter-alia* holds on the analogy of the Supreme Court Judgement in Mohinder Singh Gill's case AIR-1978-S.C. 851.

It has been ruled that the second important principle of natural justice, viz., the principle of Audi-alterm Partem applies before Governments and all other authorities exercising administrative powers when their decisions will have "civil consequences" on a citizen or a party and, therefore, such, a citizen or party is entitled to an opportunity of pre-hearing if the circumstances justify a pre-hearing and the same can not be excluded on various considerations like delay and other factors that are generally pleaded for the exclusion of this principle. As to the necessity or requirement of an opportunity of hearing the authority has no option. This ruling in Mohinder Singh Gill's case AIR 1978 S.C. 851, is not mere obitor. Even if it is only obitor, it is obitor dicta and is binding on all subordinate Courts in the country. Though the Supreme Court was considering the validity of an order made by the Election Commission under article 324 of the Constitution, the Principles annuciated, or the ratio decidendi, or rule of laws laid down by the Supreme Court on the meaning of the term "Civil Consequences" and the extent and scope of audio-Alterm Paltem have universal application to cases arising under other statutes like the Industrial disputes Act, 1947.

Therefore, the Government, before deciding to make a reference, in such cases was bound to provide an opportunity of hearing to the employer either by the filing of written representation or by providing an opportunity of oral hearing and if it fails to provide such an opportunity it commits a manifest illegality apparent on the face of the record resulting in substantial failure of justice to the employer"....."

The Supreme Court authority in the case of Avon Service Production Agencies in 1979 LIC-1 had not considered the principle of Civil consequences and audi-Alterm-partem and has not held that the above principle is not applicable to cases followed under section 10(1) of the Industrial disputes Act whereas in Mohinder Singh Gills' case it has been stated that the principle applies in proceedings before Government and all other authorities exercising Administrative powers when their decision will have civil consequences on a citizen or a party.

It can not be said that the adjudication in the present reference if given in favour of the workman and against the management will not have civil consequences for the management.

After going through all the aforesaid rulings I think the observations made by the Hon'ble Supreme Court in Mohinder Singh Gill's case is fully applicable in the present case also and the authorities cited by the representative of the workman can be distinguished in this respect and are not applicable to the facts of the present cases and in the management of M/s Avon Services Production Agencies Ltd., case, no occasion arose for their Lordship of the Supreme Court to give their findings on the principle as the parties not agitate the same before their lordship during the arguments.

In these circumstances and on the basis of the above decision I hold that the principle of "Civil consequences" and Audi-Alterum Paterum is applicable to the present cases and the present references are bad in law for the reasons that the earlier dispute raised by the workman was rejected by the Haryana State Government.

I, therefore, decide issues No. 1 and 2 against the workman and in favour of the management. Regarding issue No. 3 no time limit is prescribed for the Government for making a reference and this issue decided in favour of the workman.

As such I answer the above two references and give my award that the References are bad in law and not maintainable.

Dated 10th August, 1979.

BABU RAM GOYAL  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endorsement No. 1977, dated 20th August, 1979.

Forwarded four copies to the Secretary to Government of Haryana Labour & Employment Department Chandigarh as required under section 15 of the Industrial disputes Act, 1947.

BABU RAM GOYAL  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 11(112)-79/3Lab-10452.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Delhi Faridabad Textile Mills 20/5, Mathura Road, Faridabad.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD**

**Reference No. 159 of 1979**

*between*

**SHRI DHURE LAL WORKMAN AND THE MANAGEMENT OF M/S DELHI FARIDABAD  
TEXTILES MILLS 20/5, MATHURA ROAD, FARIDABAD**

*Present :—*

Shri Adarsh Kishore, for the workman.

Shri R. C. Sharma, for the management.

**AWARD**

By order No. ID/FD/11-79/22124, dated 21st May, 1979, the Governor of Haryana referred the following dispute between the management of M/s Delhi Faridabad Textile Mills, 20/5, Mathura Road, Faridabad and its workman Shri Dhure Lal, to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of the services of Shri Dhure Lal was justified and in order. If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. On the last date of hearing the representatives for the management appeared but neither the workman appeared nor his representative. It was a case of dismissal in default. I, therefore, give my award that no dispute exists between the parties.

Dated 13th August, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 802, dated 29th August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.